

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SCOTT DENING, an individual,

Plaintiff,

v.

GLOBE LIFE AMERICAN INCOME
DIVISION a/k/a AMERICAN INCOME
LIFE INSURANCE COMPANY, and
GLOBE LIFE INC.

Defendants.

Case No. 1:23-cv-1117

Hon. Hala Y. Jarbou

**DECLARATION OF KATHLEEN A. SACKS IN SUPPORT OF AMERICAN
INCOME LIFE INSURANCE COMPANY’S MOTION TO COMPEL DISCOVERY**

I, Kathleen A. Sacks, declare and state as follows:

1. I am duly admitted to practice before this Court. I am an attorney at King & Spalding LLP, counsel for Defendant American Income Life Insurance Company (“AIL”) in the above-captioned matter. I submit this declaration in support of AIL’s Motion to Compel Discovery. I have personal knowledge of the facts in this declaration. I could and would competently testify to these facts if called as a witness.

2. On December 8, 2023, AIL served on Plaintiff its First Set of Requests for Production and First Set of Interrogatories. On January 29, 2024, 18 days after the deadline, Plaintiff served his Responses to the Requests for Production and Interrogatories. Additionally, on January 29, 2024, 30 days after the deadline, Plaintiff served his Initial Disclosures.

3. Attached as **Exhibit A** is a true and correct copy of Plaintiff’s Answers to AIL’s First Set of Interrogatories.

4. Attached as **Exhibit B** is a true and correct copy of Plaintiff's Responses to AIL's First Set of Requests for Production of Documents.

5. Attached as **Exhibit C** is a true and correct copy of Plaintiff's Initial Disclosures.

6. Plaintiff's lone production to date consists of a single 65-page PDF that appears to be comprised of a smattering of various emails, text messages, and other documents compiled into one, lengthy document. The compilation includes *excerpts* of documents and does not include basic ESI attributes, such as each document's author, recipient, origin, or date of creation. Moreover, Plaintiff failed to produce a single communication with Angie Ingalls, Plaintiff's former romantic partner who Plaintiff retaliated against when she ended their relationship, resulting in Plaintiff's termination. Excerpts of Plaintiff's document production are attached hereto as **Exhibits D-E**, respectively.

7. Attached as **Exhibit D** is a true and correct copy of Plaintiff-produced documents that appear to be pictures of a cellphone displaying text messages, emails, email attachments, and forms (DEHNING0029, DEHNING0030, DEHNING0038, DEHNING0043, DEHNING0047, DEHNING0051, DEHNING0052, DEHNING0057, DEHNING0058).

8. Attached as **Exhibit E** is a true and correct copy of Plaintiff-produced documents in the same format—*i.e.*, a picture taken of the screen of a phone—and what appear to be charts presumably created in an Excel spreadsheet (DEHNING0032, DEHNING0036).

9. Attached as **Exhibit F** is a true and correct copy of a letter I sent to Plaintiff's counsel on February 13, 2024, detailing numerous deficiencies with Plaintiff's Responses and Initial Disclosures.

10. On March 1, 2024, Christina Janice and I, on behalf of AIL, conferred by video conference with John Kane and Amy Williamson on behalf of Plaintiff regarding the various issues I raised in my February 13 letter.

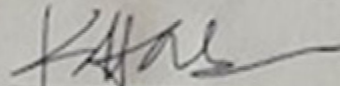
11. Attached as **Exhibit G** is a true and correct copy of a letter I sent to Plaintiff's counsel on March 6, 2024, summarizing the March 1, 2024 conference where counsel for Plaintiff: (i) confirmed that Plaintiff was not withholding any documents or information based on his objections; (ii) confirmed that Plaintiff had preserved the contents of his cell phone but failed to preserve his company laptop; (iii) agreed to search for and produce any responsive documents not previously produced by March 8, 2024; (iv) agreed to confirm by March 8, 2024 whether Plaintiff would supplement his deficient Answers to AIL's Interrogatories; and (v) by March 8, 2024, amend his deficient Initial Disclosures.

12. Attached as **Exhibit H** is a true and correct copy of an email I sent to Plaintiff's counsel on March 12, 2024, regarding Plaintiff's failure to provide the information discussed in the March 1st conference by March 8, 2024.

13. As of filing this Motion, Plaintiff's counsel has still not provided the information Plaintiff agreed to provide and has not otherwise responded to my communications on March 6 or March 12, 2024.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 20th day of March, 2024.

A handwritten signature in black ink, appearing to read 'K. Sacks', written over a horizontal line.

Kathleen A. Sacks